

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

KAREN HENRY

PLAINTIFF

V.

CIVIL ACTION NO. 3:18-cv-133-DPJ-FKB

**WAL-MART STORES EAST, LP
AND JOHN DOES 1-10**

DEFENDANTS

ORDER

Before the Court are two motions: Wal-Mart's Motion To Disqualify Counsel For Plaintiff [22] and Wal-Mart's Motion To Strike Portions Of The Affidavit Of Yancy B. Burns [37].

On October 18, 2018, the undersigned held a hearing on Wal-Mart's Motion To Disqualify Counsel For Plaintiff [22]. In reaching a decision, the undersigned considered all of the parties' respective filings, except the affidavit of Yancy Burns, and arguments of counsel at the hearing. For the reasons stated on the record at the hearing, Wal-Mart's Motion To Disqualify Counsel For Plaintiff [22] is denied.

The Court finds that Wal-Mart's Motion To Strike Portions Of The Affidavit Of Yancy B. Burns [37] should be granted. The subject portion of Burns's affidavit, specifically paragraph 9, contains inadmissible hearsay under Fed. R. Evid. 801 and should be excluded under Fed. R. Evid. 802. *See* [31-1] at 17. Wal-Mart's Motion to Strike [37] is, therefore, granted. Accordingly, paragraph 9 of Burns's Affidavit is hereby stricken, and the undersigned did not consider any portion of Burns's affidavit in reaching a decision on Wal-Mart's Motion To Disqualify Counsel For Plaintiff [22].

SO ORDERED on the 19th day of October, 2018.

/s/ F. Keith Ball
UNITED STATES MAGISTRATE JUDGE